

Notice of Allowability	Application No.	Applicant(s)	
	09/592,230	OSBORN, GREGORY RALPH	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE received 6-1-04.
2. ☒ The allowed claim(s) is/are 1-3,6-8 and 11-14.
3. ☒ The drawings filed on 6-12-00 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION
Information Disclosure Statement

The primary examiner acknowledges receipt of three IDS's dated as follows:

- a. US 6,385,434 (received 5-24-04)
- b. US 6,493,354 and US 5,842,015 (received 6-1-04)
- c. US 6,385,434 (received 6-1-04) DUPLICATE of "a" above.

Also attached is the signed PTO-1449 form as per the applicant's request.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. Comparing US 6,493,354 (Hansquine et al.), 5,842,015 (Cunniff et al.) and US 6,385,434 (Churpin et al) to claim 1 of this application, the primary examiner notes that the following limitations are not specifically disclosed by any of these references:

- identifying constraints and interdependencies among hardware resources based on both stored system and queried hardware resource characteristics; and
- generating an abstract resource specification based on the identifying of hardware resource constraints and interdependencies for use during hardware resource allocation to enable maximum preservation of most functional and least available hardware resources during hardware resource allocation;
- wherein the identifying of constraints and interdependencies among hardware resources comprises identifying hardware resource groups and hardware resource group boundaries among the system hardware resources and assigning association labels to the system hardware resources to identify relationships, if any, between the system hardware resources and external hardware to identify redundant resources within respective ones of the hardware resource groups and to characterize dedicated coupling between individual ones of the system hardware resources.

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2. Again comparing Hansquine et al., Cunniff et al. and Churpin et al. to allowed claim 4 (renumbered) of this application, the primary examiner notes that the following limitations are not specifically disclosed by any of these references:

- a hardware resource interdependency tracking device for recognizing constraints among available system hardware resources;
- an association labeling device for assigning association labels to certain of the system hardware resources having constraints identified by the hardware resource interdependency tracking device; and
- a processor for interpreting an abstract resource specification identifying the available system hardware resources and the constraints associated therewith in a manner that enables maximizing preservation of most functional and least available hardware resources during hardware resource allocation;
- a hardware resource group and group boundary identifier for identifying hardware resource groups and group boundaries of the system hardware resources for use by the processor in interpreting the abstract resource specification: and
- an association labeler for assigning association labels to the system hardware resources to identify relationships, if any, between the system hardware resources and external hardware to identify redundant hardware resources within respective ones of the hardware resource group,
- and to characterize dedicated coupling between individual ones of the system hardware resources for use by the processor in interpreting the abstract resource specification.

3. Again comparing Hansquine et al., Cunniff et al. and Churpin et al. to allowed claim 7 (renumbered) of this application, the primary examiner notes that the following limitations are not specifically disclosed by any of these references:

- querying a static system hardware specification to identify hardware resource constraints and interdependencies;
- performing a dynamic hardware resource investigation to identify hardware resource constraints and interdependencies in addition to those identified during the querying of a static system hardware specification; and
- interpreting an abstract hardware resource specification for use during hardware resource allocation to facilitate maximum preservation of most functional and least available hardware resources while still enabling application hardware resource needs to be met;
- wherein the performing of a dynamic hardware resource investigation comprises identifying hardware resource groups and hardware resource group boundaries among system hardware resources and assigning association labels to system hardware resources to identify relationships, if any, between the system hardware resources and external hardware to identify redundant resources within respective ones of the hardware resource groups and to characterize dedicated coupling between individual ones of the system hardware resources.

The examiner contends that the cited IDS references do not alone, or in combination, disclose the above limitations. Hence the examiner deems these claims to be novel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
8-9-2005

